

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Allen Stephon Marshburn

Docket No. 4:90-CR-33-1BO

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Allen Stephon Marshburn, who, upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Crack Cocaine, Distribution of Crack Cocaine (4 counts), Using or Carrying a Firearm During a Drug Trafficking Crime, Distribution of Crack Cocaine Within 1,000 Feet of an Elementary School, Maintaining a Dwelling for Distribution of Crack Cocaine, and Distribution of Crack Cocaine, to a Person Under 21 Years of Age, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 20, 1991, to the custody of the Bureau of Prisons for a term of 240 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 96 months under the standard conditions adopted by the court and the following additional conditions:

1. That the defendant remain gainfully employed.
2. That the defendant not consume or have in his possession at any time any controlled substance and shall submit to chemical analysis or other testing that may be required U.S. Probation Office.

Allen Stephon Marshburn was released from custody on November 23, 2007, at which time the term of supervised release commenced. On February 22, 2010, as a result of new criminal conduct (Driving While Impaired), his conditions of supervision were modified by the court to include:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. Friday until 6:00 a.m. Monday for a period of (1) weekend, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

On April 12, 2012, as a result of new positive drug urinalysis, (Cocaine), the defendant was placed in the Surprise Urinalysis Program for closer monitoring and his conditions were modified by the court to include:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

On October 30, 2012, in response to new drug usage (Cocaine), a Revocation Hearing was held in front of Your Honor. At that time, the defendant admitted the violations and was continued on supervision without modification.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Marshburn was accepted into the HOPE (Drug/Reentry Court) Program. As a requirement of the program, the DROPS condition is used as a mechanism to sanction and deter any illegal drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: November 14, 2012

ORDER OF COURT

Considered and ordered this 18 day of November, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge